

# EXHIBIT 53

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 2096

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 960543(A) GFY, a modified application submitted by the Department of Transportation pursuant to Sections 197-a and 363e(2) of the New York City Charter for a Request for Proposals for the franchise to install, operate and maintain bus stop shelters, self-cleaning automatic public toilets and public service structures and to install and maintain newsstands in the Boroughs of the Bronx, Brooklyn, Manhattan, Queens and Staten Island (L.U. No. 1151).

By Council Members Eisland and McCaffrey

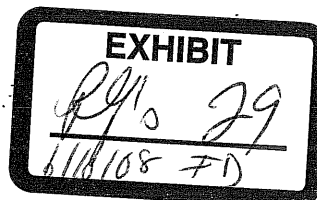
WHEREAS, the City Planning Commission filed with the Council on October 18, 1996 its decision dated October 9, 1996 (the "Decision") on the application submitted by the Department of Transportation, pursuant to Sections 197-c and 363e(2) of the New York City Charter, for a Request for Proposals for a franchise to install, operate and maintain bus stop shelters, self-cleaning automatic public toilets and public service structures and to install and maintain newsstands in the Boroughs of the Bronx, Brooklyn, Manhattan, Queens and Staten Island, (ULURP No. C 960543(A) GFY) (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the Council held a public hearing on the Decision and Application on November 12, 1996;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the negative declaration, dated May 3, 1996 (CEQR No. 96DOT010Y);



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C 960543(A) GFY

Reso. No. 2096 (L.U. No. 1151)

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment.

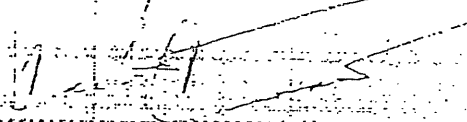
Pursuant to Section 197-d of the City Charter and on the basis of the Application and the Decision, the Council approves the Decision, subject to the modifications in the attached document in underlined bold italic text.

Adopted.

Office of the City Clerk, }

The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on December 19, 1996, on file in this office.

  
City Clerk, Clerk of Council

THE CITY OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
DIVISION OF FRANCHISES, CONCESSIONS AND CONSENTS

REQUEST FOR PROPOSALS FOR THE FRANCHISE TO INSTALL,  
OPERATE AND MAINTAIN BUS STOP SHELTERS, SELF-CLEANING  
AUTOMATIC PUBLIC TOILETS AND PUBLIC SERVICE STRUCTURES AND  
TO INSTALL AND MAINTAIN NEWSSTANDS IN THE BOROUGH OF THE  
BRONX, BROOKLYN, MANHATTAN, QUEENS AND STATEN ISLAND

DATE OF ISSUE: \_\_\_\_\_

PIN # \_\_\_\_\_

SECTION I -- SUMMARY

The City of New York, acting through its Department of Transportation ("Department"), invites all qualified firms to submit proposals for a twenty (20) year Franchise Contract for the construction, maintenance and operation of bus stop shelters, self-cleaning automatic public toilets ("APTs") and public service structures ("PSSs") and to install and maintain newsstands (collectively "Franchise Structures") and the display of advertising thereon. The City seeks proposals to construct, maintain and operate Franchise Structures that are clean, safe and attractive, in convenient locations to serve the needs of residents and visitors.

This Request for Proposals is made pursuant to a City Council Authorizing Resolution (Appendix 1) authorizing the grant of non-exclusive franchises to install, operate and maintain bus stop shelters, newsstands, APTs and PSSs. Pursuant to this authority, the Department is seeking proposals for a franchise that will provide for the following:

- The installation and maintenance of a minimum of 3,300 bus stop shelters with amenities for the public in the form of street identification signage, seating and public service information. This will require the creation of new

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- designs, and preferably will include the replacement of the existing shelter inventory.
- The installation, operation and maintenance of a minimum of 30 APTs. The Franchisee will be permitted to collect a minimal fee from the public for the use of the APTs.
- The installation and maintenance of a minimum of 430 newsstands. The Franchisee will be required to cooperate with the operator of the newsstand regarding maintenance and repair of the newsstand structure.

In addition, Proposers are encouraged to provide for the installation, operation and maintenance of PSSs, [such as newspaper and periodical dispensers,] specifically limited to recycling and/or litter bins[,] and computer terminals that provide access to government or commercial activity[, bicycle racks and public pay telephones]. The public service provided shall be immediately apparent to the passerby and shall not be obscured physically or visually by the name or logo of any sponsoring entity. [advertising]

The Franchisee will also be responsible for maintaining six existing City-owned pedestrian information kiosks.

The design and placement of the Franchise Structures shall reflect the following goals:

- In order to minimize impacts on pedestrian circulation and the visual character of the streetscape, the footprint and height of the Franchise Structures shall be kept as small as possible consistent with their function and other requirements.
- [ [ ] ] In order to reduce physical and visual clutter on sidewalks, proposers are encouraged to incorporate elements [PSSs], such as telephones, computer information terminals, recycling and/or litter bins and newsracks within or on the Franchise Structures. [ [ ] ]
- In order to maximize pedestrian circulation and clear paths, Franchise Structures shall be aligned with adjacent existing elements on the sidewalks to the extent possible.

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The Franchisee will be permitted to display advertising on the Franchise Structures subject to specific criteria and limitations as more fully described below:

{Compensation}

{Preproposal Conference}

{Site visits}

{Acceptance of terms and conditions of Authorizing Resolution}

## SECTION II -- SCOPE OF SERVICES

### A. GENERAL INFORMATION

#### 1. Design

[The Department encourages innovation and flexibility in the design of the Franchise Structures. The designs for the different types of structures must be aesthetically pleasing, must be unified in a citywide coordinated design scheme and must take into account compatibility with special contexts, such as historic districts, including the ability to incorporate site-specific design components. Each type of structure must be available in several sizes and configurations to accommodate the constraints posed by various street conditions and users' needs, as specified below. The maximum dimensions of each of the Franchise Structures is described below and summarized in Appendix 2. The designs will be evaluated based on functional efficacy, aesthetics, security, accommodation for people with disabilities and flexibility to relate to various built environments around the City. All designs are subject to the approval of the Department.]

The Coordinated Street Furniture Franchise is an important new initiative for the City of New York. Its primary goals are to augment and significantly improve the appearance and quality of the largest items of furniture in our streets.

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Designs must achieve aesthetic excellence. They must be compatible with a wide variety of built contexts and must conform to a citywide coordinated design scheme. Designs for the different types of Franchise Structures must be coordinated so that within any one area there is a harmonious relationship between the various items of street furniture.

Designs will be evaluated on the basis of functional efficiency, aesthetics, security, durability, adaptability for various built environments around the City and accommodation of people with disabilities. All designs are subject to the approval of the Department.

For each type of standard Franchise Structure (Bus Stop Shelter, Newsstand, Automatic Public Toilet and Public Service Structure meeting non-pillar dimensional criteria), Proposers must submit two basic designs. The first design shall be suitable for deployment in the case of Bus Stop Shelters throughout the City and in the case of other Franchise Structures in medium and high density mixed-use environments. Proposers are required to show how each of these basic designs can be varied to suit specific contexts. This might be achieved, for example, through alternative shapes or forms for component parts, alternate materials and/or varying the color of applied finishes. The second design for each type of standard Franchise Structure shall be appropriate for use within districts *which are designated historic districts* or in front of individual buildings which are designated New York City Landmarks. These designs may also be deployed on a limited basis in other locations. Some degree of variation in these basic designs is also required. Any designs for pillar structures shall be additional to the basic designs specified above.

Bus Stop Shelters and Newsstands must be available in several sizes and configurations to meet the constraints imposed by various street conditions and users' needs as specified below. The maximum dimensions of each of the Franchise Structures is described below and summarized in Appendix 2.

All components of the Franchise Structures must be fabricated of high quality, durable and vandal-resistant materials. *To the maximum extent feasible, [A]* all surfaces of the Franchise Structures that are accessible to the public must be graffiti-resistant. Adequate illumination of the Franchise Structures and adjacent

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sidewalks must be provided. Proposers are encouraged to consider solar or other independent power sources.

Plans must also allow for the possibility of inclusion of public pay telephones in or on the Franchise Structures. (Additional franchise authority from the Department of Information Technology and Telecommunications will be required to provide public pay telephone service at such telephones.)

The design and placement of the Franchise Structures will be subject to the review and approval of the Landmarks Preservation Commission and the Art Commission, to the extent required by law. All Franchise Structures must be accessible to people with disabilities, and the Franchisee will be required to comply with the Americans with Disabilities Act and any additional federal, state, and local laws relating to accessibility for people with disabilities as applicable. The Franchisee will be required to comply with all New York City laws, rules and codes related to materials and construction.

## 2. Build-out

The Franchise Structures shall be installed in such locations as directed by the Department in accordance with the consultative process and the siting criteria specified below in Section G and in Appendix 3, respectively.

The Franchisee shall comply with all applicable sections of the building, plumbing and electrical codes of the City of New York, obtain any required permits from the appropriate City agency (responsibility for expenses). Where the work to be done in connection with the installation, operation, maintenance, repair, removal or deactivation of the Franchise Structures requires that such work be performed by a plumber or electrician, the Franchisee shall employ and utilize only licensed plumbers and/or electricians. Quality workmanship shall be employed at all times. State-of-the-art construction methods and building materials must be integrated into the Franchise Structures as they become available.

The design and placement of the Franchise Structures shall not result in an installation which causes the destruction or damage of any part of a distinctive sidewalk or historic pavement. This shall not preclude the Franchisee from

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installing a Franchise Structure including appurtenant utility connections on a distinctive sidewalk or historic pavement by any means necessary. Prior to any such installation the Franchisee shall make a good faith effort to procure sufficient quantities of those materials of which the distinctive sidewalk or historic pavement is comprised to repair, replace or restore it to its original condition.

{Performance bond}

In the event that the placement of any Franchise Structure results in damage to the distinctive sidewalk or historic pavement, such sidewalk or pavement shall be restored to its original condition.

{Responsibility for expenses}

The Franchisee will be required, at a minimum, to adhere to the following build-out schedule.

	Shelters	APTs	Newsstands
Year 1	550	15	144
Year 2	550	15	143
Year 3	550	***	143
Year 4	550	***	***
Year 5	550	***	***
Year 6	550	***	***
Years 7-20	***	***	***

\*\*\* Additional structures as directed by the Department.

Proposals must at a minimum reflect the above build-out schedule. Proposers are encouraged to provide a more ambitious schedule for any or all aspects of the build-out.

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During the term of the Franchise, the Department may direct the Franchisee to remove, replace, and relocate structures as necessary to accommodate changing needs or to address security concerns. {Responsibility for expenses}

Failure to adhere to the build-out schedule as directed by the Department will be grounds for cancellation of all or any portion of the Franchise Contract.

### 3. Maintenance and Operation

Maintenance of the Franchise Structures by the Franchisee shall include inspecting, cleaning and removing graffiti from the structures on at least two nonconsecutive days each week (or more frequently, as specified below), timely removal of debris, snow and ice in and around the structures, preventive maintenance and prompt repairs. Snow and ice removal shall include clearing a three-foot access path for wheelchairs. Repairs that are necessary to ensure public safety, as determined by the Department, shall be performed within 24 hours of notification by the Department.

{Liquidated damages and default}

{Computerized system for information sharing}

### {4. Ownership of the Structures}

#### B. BUS STOP SHELTERS

##### 1. Design

Bus stop shelters must first and foremost provide meaningful protection from precipitation, wind and sun, and the number and placement of side enclosures shall be sufficient to accomplish this purpose. At the same time, ease of access for both functional and security reasons must be maintained.

The Department strongly encourages innovation and flexibility in bus stop shelter design. The Franchisee will be required to construct shelters in a variety of shapes and sizes to accommodate different street conditions and service

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needs, including extra-large shelters for heavily used bus stops and shelters with shorter and narrower footprints for sidewalks where space is limited in length or in width.

All designs must provide at least the following amenities:

- Adequate illumination of the interior and the adjacent sidewalk.
- Passenger seating which by design precludes reclining and may or may not be installed in every shelter, but which the City may at any time require to be installed or removed.
- An area or areas on the structure for bus route maps, street maps, bus stop name and street identification, Guide-A-Ride canisters and other information. Bus stop name and street identification shall be back-lit or otherwise illuminated and shall be designed in such a manner to maximize the ability of bus passengers to see such name and identification from the bus as the bus approaches the bus stop.

Proposers are encouraged to propose additional public amenities.

Materials used for the walls of the shelters must be transparent. The dimensions of structural frames and supports shall be kept at a minimum. In the event that glass is the material proposed for the shelter walls, an alternative unbreakable, and to the maximum extent feasible, scratch-resistant material must also be proposed for shelters at locations where there is a high incidence of vandalism.

Advertising panels, maps and signs shall be located so as to minimize their impact on the visibility of adjacent buildings and the interior of the bus stop shelter. They shall not interfere with pedestrian or motorist sight lines necessary for traffic safety.

The maximum area of the largest bus stop shelter shall be 150 square feet. The maximum length shall be 30 feet; the maximum width, excluding the roof, shall be 5 feet; and the maximum height shall be 9 feet.

## 2. Build-out

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The City seeks a proposal for a minimum of 3300 bus stop shelters by the end of the sixth year of the Franchise term with an option to direct the installation of additional bus stop shelters to be exercised if at all at the sole discretion of the City, but in no event later than the eighteenth year of the twenty-year Franchise. The total number of bus stop shelters will not exceed 3500.

{Transfer of existing inventory}

By no later than the end of the sixth year, the entire inventory must conform to the new designs and amenities, preferably through the construction of new shelters, although proposals to accomplish this through retrofitting of existing shelters of the current design will also be considered. The Franchisee will be required to construct or retrofit at least 550 shelters per year, as directed by the Department, during the first six years of the term. Said construction and/or retrofitting shall be done in accordance with an annual schedule to be furnished by the Department to the Franchisee. Said schedule shall be designed to afford a fair distribution of new and/or retrofitted shelters throughout the five boroughs of the City and shall be based upon ridership and boarding data from the New York City Transit Authority and from authorized private carriers.

{Responsibility for expenses}

The shelters will be located at bus stops where demand for their use is greatest, as determined by the Department following the consultation process described below.

During the term of the Franchise, the Department may direct the Franchisee to remove, replace and/or relocate shelters as necessary to accommodate changing needs and concerns. {Responsibility for expenses}

### 3. Maintenance and Operation

Immediately on the commencement of the Franchise and throughout the Franchise term, the Franchisee will be responsible for the complete maintenance

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of the entire inventory of bus stop shelters. The maintenance shall include but shall not be limited to cleaning, inspecting and removing graffiti from the shelters on at least two nonconsecutive days each week, promptly clearing and removing debris, snow and ice from the ground in and around the shelters, repairing or replacing damaged parts within 24 hours of notification by the Department and preventive maintenance. Snow and ice removal shall include clearing a three-foot access path for wheelchairs.

(Information about current franchise)

#### 4. Intelligent Transportation Systems

The successful proposer will be required to cooperate with the New York City Transit Authority or other agencies to make the structures available for the installation of wiring and equipment and the ongoing maintenance of Intelligent Transportation Systems (ITS), as such systems are developed. (Responsibility for expenses)

#### C. AUTOMATIC PUBLIC TOILETS

##### 1. Design

Each unit must be accessible to persons with disabilities and must contain a commode; a hand-washing station that provides warm soapy water followed by warm rinse water; toilet tissue and seat cover dispensers; and a paper-towel dispenser or air-drier. Heating, ventilation and lighting systems, including emergency lighting, must be provided. The unit must be designed with the ability to fully and automatically self-clean and disinfect the floor, seat and bowl after every use. All APT units must contain a self-activating warning system that communicates contemporaneously all significant maintenance and operations problems to an operations center. All APT units must provide external indicators informing potential users of whether the unit is available for use.

In addition, every APT unit must provide an emergency alarm system that allows for two-way communication for activation by the user and transmission to an

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operations center and the Police or Fire Department. A smoke and fire alarm system with an automatic door-opening device must be provided. An emergency access portal, in addition to the user door, must be provided to allow access to the interior by police or other emergency services.

All APTs must be equipped with a timing device that will cause the door to open automatically after a fixed period of time, with an audible and visual warning signal to alert the user one minute prior to the door's opening.

The maximum area of each APT shall be 78 square feet. Except for pillar-style (cylindrical) units, the maximum length shall be 12 and 1/2 feet, the maximum width shall be 8 feet, and the maximum height shall be 12 feet. The maximum diameter of pillar-style units shall be 8 feet and the maximum height shall be 14 feet. Proposers are strongly encouraged to propose designs which utilize the minimum footprint necessary.

## 2. Build-out

The City seeks a proposal for a minimum of 30 APTs by no later than the end of the second year of the Franchise term with an option to direct the installation of additional APTs to be exercised, based upon the success of the initial installations, at the sole discretion of the City, but in no event later than the fifteenth year of the twenty-year Franchise. The total number of APTs will not exceed 100.

A pilot program during the summer of 1992, during which APTs were installed temporarily at three locations in Manhattan, demonstrated that APTs can be operated successfully in the City of New York.

All APT sites shall be selected by the Department following the consultative process described below. During the term of the Franchise, the Department may direct the Franchisee to remove or relocate APTs in response to security concerns.

## 3. Maintenance and Operation

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The APTs must be open to the public at least between the hours of 8:00 A.M. and 8:00 P.M. daily unless longer hours are established for a particular site by the Department.

The Franchisee will be responsible for the complete maintenance of every APT installed. This shall include but not be limited to daily visits to each unit to ensure that all systems are functioning properly, that the units are clean and that all dispensers are fully stocked. In addition, the Franchisee must respond immediately to its self-activating maintenance and operation warning system. Comfortable interior temperature, ventilation, and illumination shall be maintained at all times when the APT is in operation.

#### D. NEWSSTANDS

##### 1. Design

Newsstands must provide optimum conditions for selling and displaying newspapers, periodicals and convenience items, as well as adequate storage space. Proposers are encouraged to consult with representatives of publishers and newsstand operators regarding newsstand design. (Information about industry representatives)

A newsstand structure may not occupy more than 72 square feet of sidewalk space when in operation, including all necessary doors, screens, shelves, racks and cases. Each unit must be accessible to persons with disabilities who may operate or patronize the structure. The maximum width shall be 5 and 1/2 feet and the maximum length shall be 14 feet. The maximum diameter of a pillar-style (cylindrical) newsstand shall be 6 and 1/2 feet. A newsstand structure may include a roof overhang extending no more than 2 3 feet from the front of the stand beyond the maximum footprint, at a minimum height of 7 and 1/2 feet above the sidewalk. Such overhang may extend along the sides of the newsstand roof a distance of 2 feet from the front of the roof. The maximum height of the newsstand structures shall be 9 feet, except that a pillar-style newsstand may be up to ~~16~~ 14 feet in height. Pillar-style newsstands shall be prohibited in districts zoned for residential use.

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*pillar  
6 1/2 diameter  
14 feet high  
- cannot be in  
residential  
zoned districts*



The majority of the newsstand structures will be constructed on sites that are currently occupied by existing newsstands, and sidewalk conditions will prohibit exceeding the existing footprint. Therefore, Proposers must be prepared to construct newsstands of a variety of shapes and sizes *In the event that a public pay telephone is incorporated in the design of a newsstand, such telephone shall not be located so as to obstruct or interfere with the front sales area of the newsstand.*

## 2. Build-out

The City seeks a proposal for a minimum of 430 newsstands by the beginning of the fourth year of the Franchise term with an option to direct the installation of additional newsstands, to be exercised at the sole discretion of the Department, but in no event later than the eighteenth year of the twenty-year Franchise. The total number of newsstands will not exceed 500.

This build-out will include the replacement of approximately 330 existing newsstands, which are owned and maintained by individual operators. Most of the replacement newsstands will be installed at or near existing newsstand sites. {Removal of existing structures}

New newsstands sites will be designated by the Department following the consultation process described below. During the term of the Franchise, the Department may direct the Franchisee to remove or relocate newsstands whose location proves to be commercially unattractive.

{Responsibility for expenses}

## 3. Maintenance and Operation

The Franchisee will be responsible for the maintenance of every newsstand structure that it has constructed and installed throughout the Franchise term. The Franchisee shall be required to cooperate with the operator of the newsstand regarding maintenance and repair of the newsstand structure.

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The Franchisee will not be responsible for operating the newsstands or for cleaning their interiors. (Responsibility for expenses)

#### E. PUBLIC SERVICE STRUCTURES

Proposers are invited to submit proposals for the installation, operation and maintenance of [additional public service structures such as newspaper and periodical dispensers,] recycling and/or litter bins[,] and computer terminals that provide access to government or commercial activity, bicycle racks, and public pay telephones. Additional franchise authority from the Department of Information Technology and Telecommunications will be required to provide public pay telephone service at such telephones. All PSSs shall be installed, maintained and removed in accordance with all laws, rules, regulations and guidelines adopted or established by the City which are applicable to comparable structures. The public service provided shall be immediately apparent to the passerby and shall not be obscured physically or visually by the name or logo of any sponsoring entity. [advertising.]

With the rapid development of information technology, the Department anticipates that opportunities for more advanced types of PSSs will expand after the issuance of this RFP. Additionally, the City's needs in relation to street furniture are likely to change over time. During the Franchise term, the Franchisee may propose to provide [such] additional types of PSSs or may be asked to do so by the Department subject to amending the Franchise Contract. All such changes will also be subject to any applicable public review, including the Uniform Land Use Review Procedure and approval by the Franchise and Concession Review Committee.

The Franchisee will also be responsible for maintaining six existing City-owned pedestrian information kiosks, listed below, in the same manner as the Franchise Structures:

	Street	Cross Street(s)	Corner/Side
Times Square	W 43rd Street	Broadway	NW
Duffy Square	Broadway	W 46th & 47th S.S.	W

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Herald Square	Ave of the Americas	W 34th & 35th Sts	W
Grand Army Pl	Central Park South	5th Ave	NW
City Hall	Broadway	Murray & Warren Sts	E
City Hall	Centre St	Chambers St	SW

All PSSs shall be kept as small as possible consistent with their function.

(The maximum area of each public service structure shall be 36 square feet. The maximum length shall be 6 feet and the maximum width shall be 3 feet. The maximum diameter of a pillar-style (cylindrical) structure shall be 6 feet. No public service structure may exceed 9 feet in height, except that a pillar-style unit may be up to 16 feet high. The above dimensions shall not apply to the existing pedestrian information kiosks.)

The maximum area of each computer information terminal shall be 16 square feet. The maximum length shall be 4 feet and the maximum width shall be 4 feet. A computer information terminal may include a roof overhang extending no more than 2 feet beyond the maximum footprint on one side of the structure, at a minimum height of 7.5 feet above the sidewalk. No computer information terminal may exceed 9 feet in height.

The maximum area of each litter and/or recycling bin shall be 6.25 square feet. The maximum length shall be 2.5 feet and the maximum width shall be 2.5 feet. No litter and/or recycling bin may exceed 4 feet in height. In addition, the maximum size and weight of each litter and/or recycling bin shall be subject to the approval of the Department of Sanitation. (Responsibility for refuse collection)

#### F. REVENUE OPPORTUNITIES

(Sources of revenue to the franchisee)

Advertising shall be permitted on the exterior of the structures subject to the conditions specified below. [Each Franchise Structure may have a maximum of 2 advertising panels.] The total maximum advertising area shall be [70] 55

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square feet on bus stop shelters [1 and (108) ~~70~~ 82.5 square feet on APTs and newsstands, ~~11~~ and (42) 8 square feet on (PSSs) litter or recycling bins so long as such advertising does not physically or visually obscure the public service provided (by the PSS). Advertising on PSSs shall be prohibited except to the extent that the name or logo of a sponsoring entity, not to exceed 2 square feet, shall be permitted. The maximum advertising height shall be 7 feet on bus stop shelters, 9 feet on APTs and newsstands, [and (7) 3 feet on (PSSs) litter or recycling bins so long as such advertising does not physically or visually obscure the public service provided (by the PSS)]. However, the maximum height of advertising on pillar structures shall be (14) 12 feet. No advertising shall be permitted on the exterior of computer information terminals or litter and/or recycling bins except for the name or logo as set forth above. (For informational purposes a summary chart is provided as Appendix 2.)

Each bus stop shelter may have a maximum of 2 advertising panels, which shall be located only on shelter end panels (i.e., panels which are aligned perpendicular to the curb). On bus stop shelters greater than 25 feet in length, the Department may increase the maximum advertising dimensions and number(s) of panels by up to (35 square feet and by 1) two additional panels of a maximum of 27.5 square feet each, provided these panels are located on shelter end panels or one additional panel of a maximum of 27.5 square feet. This increase shall apply to no more than 10% of the total number of Franchise Structures citywide, and to no more than 20% of the total number of Franchise Structures in any one community district.

Electronic media (such as "zippers") will be permitted only on a case by case basis and, except for backlighting of printed posters, will be subject to the applicable zoning regulations for property adjacent to the site. [Backlit advertising will not be permitted on litter or recycling bins.] Audio advertising will not be permitted. However, an audio component used in connection with a computer information terminal may be permitted in the sole discretion of the Department.

The display or placement of tobacco advertising shall be prohibited. The advertising of alcoholic beverages shall not be permitted within 250 feet of any school, day care center or house of worship. Any type of advertising

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which is false or misleading, which promotes unlawful or illegal goods, services or activities, or which is otherwise unlawful or obscene as determined by the Department, including but not limited to advertising that constitutes the public display of offensive sexual material in violation of Penal Law Section 245.11, shall also be prohibited. Any such prohibited material displayed or placed shall be immediately removed by the Franchisee upon notice from the Department.

There shall be a requirement for providing free space for public service advertisements on the Franchise Structures. Said space shall represent a minimum of 2.5% of the total number of advertising panels and a minimum of 2.5% of total advertising square footage. Such public service advertisements shall be equitably distributed among the various types of Franchise Structures.

{City marketing partnerships}

Consistent with State Law, the Franchisee will also be permitted to charge a minimal fee for the use of the APTs. {Other sources of revenue}

#### G. SITE SELECTION AND CONSULTATION

Sites for Franchise Structures will be selected by the Department in accordance with the criteria specified in Appendix 3.

The Department will adhere to the following consultative process in designating new sites:

1. The Department will request recommendations for new sites from Council Members, Borough Presidents, Community Boards, Business Improvement Districts (BIDs), the New York City Transit Authority (for bus stop shelters only), and newspaper publishers and licensed newsstand operators or operators holding a valid concession for the operation of a newsstand from the City of New York. (for newsstands only).

2. The Department will review these recommendations and any other suggested sites for compliance with the siting criteria (Appendix 3) and additionally consider the following factors:

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Bus Stop Shelters: Ridership figures, transfer points, location of existing shelters, geographic distribution throughout the five boroughs, sidewalk activity, presence of other Franchise Structures on the sidewalk

Newsstands: Economic viability, replacement of existing structures, geographic distribution, sidewalk activity, presence of other Franchise Structures on the sidewalk

APTs: Availability of water and sewer service, public convenience, enhancement of commercial and tourist areas, sites recommended by the Department of Parks and Recreation, geographic distribution, sidewalk activity, presence of other Franchise Structures on the sidewalk

Public Service Structures: Sidewalk activity, geographic distribution, presence of other Franchise Structures on the sidewalk

3. The Department will distribute lists of proposed sites determined by the Department to be desirable for a 60-day comment period to Council Members, Borough Presidents, Community Boards, other appropriate City agencies, BIDs, the New York City Transit Authority (for bus stop shelters only), newspaper publishers (for newsstands only), adjacent property owners (for newsstands and APTs only) and any other interested party, including Proposers, if they so request.

4. After consideration of the comments and selection of a Franchisee the Department will choose final sites and notify Council Members, Borough Presidents, Community Boards, other appropriate City agencies, the Franchisee, and any other person who commented on the proposed sites.

At least once each year, the Department will request from all Community Boards, BIDs, Council Members, Borough Presidents, the Franchisee and (for purposes of siting newsstand structures) publishers of major daily New York City newspapers a prioritized list of locations for the placement or removal of Franchise Structures.

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The Department may direct the Franchisee to replace bus stop shelters, newsstands and PSSs at existing sites, independent of the above consultative process

#### H. RESPONSE TO COMPLAINTS

Any complaints the Department receives concerning the siting, installation or requested removal of the Franchise Structures shall be responded to by the Department. All bus stop shelters, automatic public toilets and newsstands shall contain a conspicuously posted telephone number of the office within the Department to which the public may direct complaints and comments. The Franchisee shall cooperate with the Department in timely responding to any such complaints.

{SECTION III -- PROPOSAL PROCEDURES AND REQUIREMENTS}

{SECTION IV -- GENERAL INFORMATION}

{SECTION V -- TIMETABLE}

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## APPENDIX 2

Summary Chart: Dimensions and Clearances  
(For Informational Purposes Only)

	Clear Path	Curb setback	Maximum Size				Maximum Advertising	
			Area	Length	Width	Height	Area	Height
Shelter	7 ft	3 ft	150 sq ft	30 ft	5 ft	9 ft	1701 sq ft	7 ft
APT	8 ft	1.5 ft	78 sq ft	12.5 ft	8 ft	12 ft	82.5 sq ft	9 ft
Pillar	8 ft	1.5 ft		8 ft	8 ft	16 ft 14 ft	82.5 sq ft	14 ft 12 ft
Newsstand	9.5 ft	1.5 ft	72 sq ft	14 ft	6.5 ft	9 ft	82.5 sq ft	9 ft
Pillar	9.5 ft	1.5 ft		6.5 ft	6.5 ft	16 ft 14 ft	82.5 sq ft	14 ft 12 ft
PSS	9.5 ft	1.5 ft	36 sq ft	6 ft	6 ft	9 ft	42 sq ft	7 ft
Pillar	9.5 ft	1.5 ft		6 ft	6 ft	16 ft	42 sq ft	14 ft
Computer Terminal	9.5 ft	1.5 ft	16 sq ft	4 ft	4 ft	9 ft	None*	None*
Litter/Recycling Bin	9.5 ft	1.5 ft	6.25 sq ft	2.5 ft	2.5 ft	4 ft	None*	None*

\* The name or logo of a sponsoring entity, covering an area not to exceed 2 square feet, shall be permitted.  
Text in bold underlined italics is the City Council modifications.

*changed names*

*ADA*

### APPENDIX 3 Siting Criteria

The general provisions contained in the first section of these criteria apply to all Franchise Structures. Additional requirements applying to particular types of structures are stated in the sections that follow. These additional requirements are designed to accommodate differences in the structures' function, appearance and use and to ensure appropriate and consistent locational opportunities.

#### A. General Provisions

1. Clear Path. All Franchise Structures shall be installed so as to allow a straight unobstructed path ("clear path") for pedestrian circulation on the sidewalk. The dimensions of the clear path for each type of structure are specified in the subsequent sections. [Where the building line does not coincide with the property line, the Department may include in its determination of clear path any portion of the area between those two lines which is immediately adjacent to and level with the public sidewalk, open to the sky, substantially unobstructed along its entire length, and level, paved and accessible so as to provide a usable walking surface.] No grates or cellar doors shall be included as a part of the clear path directly in front of or behind a franchise structure.
2. Sight Lines. The placement of the franchise structures shall not interfere with pedestrian or motorist sight lines necessary for traffic safety.
3. Minimum Distance Requirements. Unless otherwise stated, distances shall be measured between the nearest points, viewed in plan, of the Franchise Structure and the specified object or element. Where a distance is required to be measured parallel to the curb line, the measurement shall be taken between the two lines perpendicular to the curb line, one touching the Franchise Structure and the other touching the specified object or element, that are closest to each other.
  - a) The following minimum distances shall be required between the Franchise Structure and the specified element or object:
    - i) Fifteen feet, measured parallel to the curb line, from: Bus stop shelters; automatic public toilets;

1 Text in **bold underlined italic** is the City Council modifications.

- newsstands, computer information kiosks, enclosed or unenclosed sidewalk cafes; subway entrances or exits.
- ii) Ten feet from: Fire hydrants, standpipes, <sup>15 ft. in nicks/law</sup>  
Siamese connections, driveways (which distances must also meet the Department's safety and operational requirements); building lines extended at the intersection of two streets, in accordance with Executive Order No. 22 of 1995 (see Figure 1).
- iii) Five feet from The trunk of any tree; <sup>same</sup>  
canopies; information kiosks.
- iv) Three feet from: Street lights and traffic signal poles.
- v) Two feet from: Ventilation or other grills; manholes; access plates; street signs; parking meters; fixed litter baskets; tree pits; valve boxes; telephones; cellar doors; mailboxes. <sup>same</sup>
- vi) One and one-half feet from the curb of any street, except for bus stop shelters (see below). ✓

b) In addition to the above distance requirements, for any Franchise Structure where access for the public is provided from a side of the structure other than that adjacent to the clear path, the following minimum distances shall be required between each such side of the Franchise Structure and the specified element or object:

- i) Five feet from any above-ground structure (e.g., street lights, traffic signal poles, street signs, parking meters, fixed litter baskets, telephones, mail boxes)
- ii) Three feet from any element or object that is flush with the sidewalk (e.g., ventilation or other grills, manholes, access plates, tree pits, valve boxes)

c) No Franchise Structure may be installed directly in front of a building entrance or exit without written permission from the abutting property owner. No franchise structure shall be installed within 5 feet (measured parallel to the curb line) of a building entrance except where the Department determines that this requirement cannot be reasonably met.

- d) No Franchise Structure may be installed within 3 feet of the property line of a residential or commercial structure without written permission from the abutting property owner.
  - e) No Franchise Structure may be located under a fire escape.
  - f) Except for bus stop shelters, no Franchise Structure may be located within a bus stop zone or a taxi stand.
4. Vaults. Where a vault is present, the Franchisee shall submit certification from an engineer that the installation of the Franchise Structure will in no way damage the vault.
5. Electrical Sources. Franchise Structures should be as close as possible, subject to all other distance requirements, to the source of electricity, if required for the operation of the Franchise Structure. Such Franchise structures may not be sited farther than 150 feet from the nearest available electric power source, unless otherwise directed by the City. The Franchisee is prohibited from using a traffic signal or Con Edison type #12 post, or any power source across a major or protected roadway, unless authorized to do so by the Department.
6. Landmarks and Historic Districts. The placement of the Franchise[s] Structures will be subject to the review and approval of the Landmarks Preservation Commission to the extent required by law.

10'

Building [property] line extended

Building [property] line

10'

Figure 1. Clear Corner Policy (Executive Order No. 22 of 1995)

3 Text in **bold underlined italic** is the City Council modifications.

B. Bus Stop Shelters

1. Clear Path. In general, bus stop shelters shall be installed to allow a minimum clear path of 7 feet in width. However, a reduced clear path may be permitted by the Department if necessary to allow the installation of a bus stop shelter. In no case shall such clear path be less than 5 feet in width. The clear path for a bus stop shelter may include the area covered by the bus stop shelter's roof overhang, provided such overhang is a minimum of 7 and 1/2 feet high.

2. Clearance from Curb. All bus stop shelters shall be installed to allow a straight unobstructed path a minimum of 3 feet in width between the shelter and the curb. Viewed in plan, the roof of a bus stop shelter including any overhang shall be set back from the curb line a minimum distance of 2 feet.

3. Relation to the Bus Stop

- a) All bus stop shelters shall be located as close as possible to the head of the bus stop, but no less than 10 feet from the head of the bus stop at locations where parking is permitted immediately adjacent to the head of the bus stop.
- b) If a bus stop shelter has only one enclosed end, it should be situated toward the head of the bus stop.

C. Automatic Public Toilets, Newsstands, Public Service Structures

1. Clear Path

- a) All APTs shall be installed to allow a minimum clear path of 8 feet in width.
- b) All newsstands and PSSs shall be installed to allow a minimum clear path of 9 and 1/2 feet in width.
- c) The clear path for a newsstand or a computer information terminal may include an area up to [2] 3 feet in width covered by the [newsstand's] structure's roof overhang, provided such

4 Text in ***bold underlined italic*** is the City Council modifications.

overhang is [a minimum of 7 and 1/2 feet high] at a minimum height of 7.5 feet above the sidewalk.

- d) The clear path shall extend 15 feet to each side of the Franchise Structure
- e) Franchise Structures on sidewalks shall be located either within 2 and 1/2 feet of the curb line or within 1 foot of the building line.

2. Minimum Distance Requirements. A minimum 15-foot distance, measured parallel to the curb, is required upon installation between the Franchise Structure and:

- a) Entrances to houses of worship.
- b) Any entrance to the elevator lobby of a building having non-residential uses above the street-level floor and having 16 floors in height or more with a frontage of at least 100 feet on narrow streets or 140 feet on wide streets (as defined in Section 12-10 of the New York City Zoning Resolution).
- c) Any entrance to the lobby of a hotel.
- d) Any entrance to a bank from the street that serves the public, including ATM entrances.
- e) Entrances to theaters and box offices.

D. Additional Requirements for Automatic Public Toilets

1. Permissible Locations. APTs shall be located only:

- a) On wide streets, as defined in Section 12-10 of the New York City Zoning Resolution, only in commercial, manufacturing or mixed use districts.
- b) On sidewalks or plazas adjacent to property owned or leased by a government agency or public authority or under the jurisdiction of the Economic Development Corporation.
- c) On traffic islands or public places bounded on all sides by mapped streets under the jurisdiction of the Department.
- d) On or adjacent to parks property or playgrounds, subject to the approval of the Department of Parks and Recreation.

2. Utilities. The siting of APTs shall be subject to consideration of the economic feasibility of making necessary utility connections. All APT

5 Text in **bold underlined italic** is the City Council modifications.

sites are subject to the additional approval of the Department of Environmental Protection.

#### E. Special Circumstances

The Commissioner may waive or modify the above criteria in specific cases, except where prohibited by law, if, in his or her opinion, such waiver or modification is consistent with the public health, safety and general welfare. No such waiver or modification shall be granted without prior consultation with the affected Council Member, Borough President, and Community Board. Similarly, the Department may refrain from siting a Franchise Structure at a particular location which in the opinion of the Commissioner would result in an over-concentration of franchise structures.

Notwithstanding anything contained herein, the siting of Franchise Structures shall be subject to any applicable requirements of the New York City Administrative Code. Notwithstanding anything contained herein, litter bins may be replaced at their existing locations in accordance with the Department of Sanitation's Operation Order for the placement of litter baskets and the Mayor's Clear Corner Policy (Exec. Order No. 22 of 1995).

6 Text in **bold underlined italic** is the City Council modifications.